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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,128	09/08/2003	Shinichiro Koga	03500.011436.1	8649

5514 7590 08/25/2009
FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10112

EXAMINER

VO, TUNG T

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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08/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/656,128	KOGA ET AL.	
	Examiner	Art Unit	
	Tung Vo	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/19/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31 and 35-40 is/are pending in the application.
- 4a) Of the above claim(s) 1-28 and 32-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31 and 35-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/651,348.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29-31 and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (US 6,606,636).

Re claims 29-31 and 35-40, Okazaki teaches an image processing apparatus (figs. 1 and 2) comprising:

a signal inputter (INPUT STORAGE PROCESS, DYNAMIC IMAGE STORED of fig. 1), arranged to input an image signal of a frame;

a detector (10 of fig. 1) arranged to detect an image change by comparing the inputted image signal with a reference image signal (the combination of figures 3-5); and

a first storage unit (INPUT STORAGE PROCESS of fig. 1, col. 3, lines 29-32), arranged to store the image signal input by said signal inputter; and

a second storage unit (14 of fig. 1), arranged to store the inputted image signal, that is compared with the reference image signal by said detector, as a new reference image signal on a frame basis when said detector detects the image change (note a storage means (14 of fig. 1) for storing the moving image with the extracted first characteristic scene change sequence for the moving image, this would obviously suggest the storage stores a new reference image signal

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when detected image is changed), and not to store the inputted image signal when said detector detects that there is not image change,

wherein said detector calculates a pixel value difference between each pair of corresponding pixels using the image signal and the reference image signal, determines,

if a corresponding pixel value difference is larger than a first threshold value, that a pixel change has occurred, and determines (e.g. fig. 4, Note $G(x,y) > T1$),

if the number of pixels having undergone changes in an entire frame is larger than a second threshold value, that a frame change has occurred (e.g. fig. 4, $G(x,y) > T2$).

wherein said detector divides the image signal and the reference image signal into a plurality of blocks, calculates the sum total of pixel value differences between corresponding pixels using the image signal and the reference image signal in units of blocks (FIG. 3 shows a method in which the scene change is determined when a total sum of difference values of image data of the same coordinates of two time-continuing frame images, which is obtained for the whole frame, exceeds a certain threshold value (T), this would obviously be applied to the method of figure 4), determines,

if the sum total is larger than a first threshold value, that a corresponding block has undergone a change, and determines (e.g. fig. 4, Note $G(x,y) > T1$),,

if the number of blocks having undergone changes in an entire frame is larger than a second threshold value, that a frame change has occurred (e.g. fig. 4, Note $G(x,y) > T2$),;

wherein said detector divides the image signal and the reference image signal into a plurality of blocks, calculates a pixel value difference between each pair of pixels corresponding to the image signal and the reference image signal (e.g. $G(x,y)$ of fig. 4), determines,

if each pixel value difference is larger than a first threshold value and a corresponding pixel which has undergone changes in a block is larger than a second threshold value, that the block of the corresponding pixel has undergone a change (e.g. fig. 4, Note $G(x,y) > T1 > T2$), and determines,

if the number of blocks having undergone changes in an entire frame is larger than a third threshold value, that a frame change has occurred (e.g. Fig. 5, $H(i) > T$, wherein T would obviously be considered as third threshold).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung Vo whose telephone number is 571-272-7340. The examiner can normally be reached on Monday-Wednesday, Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tung Vo/
Primary Examiner, Art Unit 2621